

REMARKS

Claims 3-4 have been canceled. Claims 1-2 and 5-6 remain pending in this application. Applicant amended claims 1-2 and 5-6 to clarify the invention, and refers to Figs. 6, 7, and their corresponding description in the specification for an exemplary embodiment of and support for the claim amendments. No new matter has been added.

Claims 1-2 and 4-6 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,097,688 to Ichimura et al. and U.S. Patent No. 5,481,526 to Nagata et al. Applicant canceled claim 4 and amended the remaining rejected claims in a good faith effort to further clarify the claimed invention as distinguished from the cited prior art references. The Examiner's rejection is respectfully traversed.

The Examiner relied upon Nagata et al. as a combining reference to Ichimura et al. for allegedly disclosing calculating an intermediate value from a maximum value and a minimum value of a focus error signal.

Even assuming, arguendo, that it would have been obvious to one skilled in the art to combine Ichimura et al. and Nagata et al. at the time the claimed invention was made, the combination would still have failed to teach or suggest,

- "a) measuring a focus error signal of the optical disk;
- b) calculating an intermediate value from a maximum value and a minimum value of the focus error signal in the recording layer which is a destination layer of the movement;
- c) pulling in the focus of said objective lens onto the recorded layer which is an origin layer of the movement to carry out automatic adjustment of a focus bias;

d) moving the focus of said objective lens onto the destination layer and turning on the focus pull-in means when the focus error signal reaches to the intermediate value; and

e) carrying out the automatic adjustment of the focus bias of the destination recording layer," as recited in claim 1. (Emphasis added)

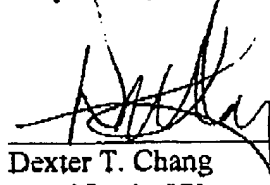
Accordingly, Applicant respectfully submits that claim 1 is patentable over Ichimura et al. and Nagata et al., individually and in combination. Claims 2 and 5-6 include limitations similar to those of claim 1 cited above, and are, therefore, patentable over the cited prior art references for at least the same reasons.

The above statements on the disclosures in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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